

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	CONSENT PRELIMINARY
	:	ORDER OF FORFEITURE AS TO
- v. -	:	<u>SPECIFIC PROPERTY</u>
	:	
MARC DEMANE DEBIH,	:	S3 18 Cr. 184 (DLC)
	:	
Defendant.	:	
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WHEREAS, on or about June 13, 2018, MARC DEMANE DEBIH, (the “Defendant”), was charged in a thirty-eight-count Superseding Indictment, S3 18 Cr. 184 (the “Indictment”), with conspiracy to commit securities fraud and fraud in connection with a tender offer, in violation of Title 18, United States Code, Section 371 (Count One); conspiracy to commit wire fraud and securities fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff; Title 17, Code of Federal Regulations, Sections 240.10b-5 and 240.10b5-2; and Title 18, United States Code, Section 2 (Counts Three through Seventeen); fraud in connection with tender offers, in violation of Title 15, United States Code, Sections 78n(e) and 78ff; Title 17, Code of Federal Regulations, Sections 240.14e-3(a) and 240.14e-3(d); and Title 18, United States Code, Section 2 (Counts Eighteen through Twenty-Two); wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Twenty-Three through Thirty-Seven); and securities fraud, in violation of Title 18, United States Code, Sections 1348 and 2 (Count Thirty-Eight);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Thirty-Eight, seeking forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property,

real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Thirty-Eight of the Indictment;

WHEREAS, on or about October 3, 2019, the Defendant pled guilty to Counts One through Thirty-Eight of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One through Thirty-Eight of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Thirty-Eight of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses alleged in Counts One through Thirty-Eight of the Indictment, and any and all assets up to and including \$49,000,000, in aggregate, from accounts 2485810004, 2485810017, 2485810029, 2485810095, and/or related accounts in the name of the defendant at Audi Private Bank SAL in Lebanon (the “Specific Property”);

WHEREAS, on or about October 3, 2019, a Consent Preliminary Order of Forfeiture/Money Judgment was entered (i) imposing a forfeiture money judgment in the amount of \$49,000,000.00 in United States currency (the “Money Judgment”) representing the amount of proceeds traceable to the offenses charged in Counts One through Thirty-Eight of the Indictment that the Defendant personally obtained; and (ii) authorizing the Government to seek the forfeiture of the Specific Property in the event that the Defendant failed to make a payment to the Government in the amount of \$49,000,000 prior to sentencing (the “Payment”) (D.E. 27);

WHEREAS, on or about December 31, 2019, the Defendant signed an irrevocable consent authorizing the transfer of the Specific Property from Audi Private Bank SAL in Lebanon to an account controlled by the United States;

WHEREAS, on or about December 10, 2021, the Defendant was sentenced but was (and remains) unable to make the Payment due to a freezing order blocking the Defendant's access to any and all funds at Audi Private Bank SAL in Lebanon, including but not limited to the Specific Property, which order had been implemented by the Lebanese authorities pursuant to a mutual legal assistance request from the United States;

WHEREAS, the Government alleges that the Specific Property is subject to forfeiture to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) as proceeds traceable to the offenses charged in Counts One through Thirty-Eight of the Indictment;

WHEREAS, the Government seeks the forfeiture of all right, title and interest of the Defendant in the Specific Property as proceeds traceable to the offenses charged in Counts One through Thirty-Eight of the Indictment;

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property to the Government; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States



Attorneys Daniel Tracer and Richard Cooper of counsel, and the Defendant, and his counsel, Steven Kobre, Esq., and Sean S. Buckley, Esq., that:

1. As a result of the offenses charged in Counts One through Thirty-Eight of the Indictment, to which the Defendant pled guilty, all of the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant, MARC DEMANE DEBIH, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site, [www.forfeiture.gov](http://www.forfeiture.gov). This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed. All Specific Property forfeited to the United States under a Final Order of Forfeiture shall be applied towards the satisfaction of the Money Judgment.

8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

By: /s/ Daniel Tracer  
Daniel Tracer  
Richard Cooper  
Assistant United States Attorneys  
One Saint Andrews Plaza  
New York, NY 10007  
(212) 637-2329/1027

9/9/2022  
DATE

MARC DEMANE DEBIH

By: Marc Demane Debih/SSB  
MARC DEMANE DEBIH

9-08-2022  
DATE

By: [Signature]  
Steven Kobre, Esq.  
Sean S. Buckley, Esq.  
*Attorneys for Marc Demane Debih*

9-08-2022  
DATE

SO ORDERED:

[Signature]  
DENISE COTE  
United States District Judge

9/12/2022  
DATE